

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**ROBERT L. JONES**

**Petitioner,**

**-v-**

**ERNIE MOORE,  
Warden, Lebanon Correctional  
Institution**

**Respondent.**

**Case No. C-3:13-cv-085**

**Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING JONES'S OBJECTIONS (Doc. #15)  
TO THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS; OVERRULING JONES'S OBJECTIONS TO  
THE MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS (Doc. # 19); ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL  
REPORT AND RECOMMENDATIONS (Docs. #13 and 17) IN THEIR  
ENTIRETY; DISMISSING JONES'S PETITION FOR A WRIT OF  
HABEAS CORPUS WITH PREJUDICE; DENYING ANY REQUESTED  
CERTIFICATE OF APPEALABILITY; CERTIFYING THAT ANY  
APPEAL OF EITHER THE REPORT AND RECOMMENDATION OR  
THE SUPPLEMENTAL REPORT AND RECOMMENDATION WOULD  
BE OBJECTIVELY FRIVOLOUS AND TERMINATING THIS CASE**

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This matter comes before the Court pursuant to pro se Petitioner Robert L. Jones's ("Jones's") Objections (doc. #15) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #13) and Jones's Objections (doc. #19) to Magistrate Judge Merz's Supplemental Report and Recommendations (doc. #17). In both the Report and Recommendations and Supplemental Report and Recommendations, Magistrate Judge Merz recommends that Jones's Petition for a Writ of Habeas Corpus be denied with prejudice, that Jones be denied a certificate of appealability and that this Court certify to the Sixth Circuit that

any appeal would be objectively frivolous.

The Warden did not respond to Jones's Objections to the Report and Recommendations and the time has run and the Warden has not responded to Jones's Objections to the Supplemental Report and Recommendations. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Jones's Objections (doc. #15) to the Magistrate Judge's Report and Recommendations and Jones's Objections (doc. #19) to the Magistrate Judge's Supplemental Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety.

Jones's Petition for a Writ of Habeas Corpus is denied with prejudice. Further, Jones is denied a certificate of appealability. In addition, any appeal of the denial of Jones's Petition for a Writ of Habeas Corpus would be objectively frivolous. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Twenty-Fifth Day of March, 2014.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Robert L. Jones at his last address of record